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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,823	09/27/2001	Satoko Mano	FUJl 19.031	2604

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EXAMINER
NGUYEN, THUONG

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *9/27/01*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to application 09/964,823 filed 5/16/01. Claims 1-8 are

pending and represent method and apparatus for controlling image quality by culling

transmitted image information.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Gringeri

Patent No. 6,233,226. Gringeri teaches the invention as claimed including system and

method for analyzing and transmitting video over a switched network (see abstract).

3.   As to claim 1, Gringeri teaches a method, comprising:

an acquiring step of acquiring a number indicative of how many picture frames

are guaranteed in a predetermined time period, the number being determined according

to at least one of a transmission source and a transmission destination of image

information (col 8, lines 52-60; col 16, lines 6-14; Gringeri discloses that a method of

determine the rate to guarantee the arrival of the data for video stream while

transmitting for the predetermine period);

a counting step of counting a number indicative of how many picture frames of

the image information are transmitted to the transmission destination from the

transmission source in the predetermined time period (col 15, lines 33-49; Gringeri

discloses that a method of to determine and simulate the number of video frames that

would be transmit base on the calculated transmission rate); and

a transmitting step of culling the image information transmitted from the

transmission source according to the number of the guaranteed picture frames and the

number of the transmitted picture frames, and transmitting the culled image information

to the transmission destination (col 17, lines 8-25; Gringeri discloses that a method of

determined the rate for the next frame based on the rate for the next frame in the look

ahead frame period).

4.   As to claim 2, Gringeri teaches a method as recited in claim 1, wherein the

transmitting step transmits the culled image information if the number of the transmitted

picture frames is larger than the number of the guaranteed picture frames, and

transmits the image information without culling if the number of the transmitted picture

frames is not larger than the number of the guaranteed picture frames (col 22, lines 53 –

col 23, lines 7; col 22, lines 30-38; Gringeri discloses that a method of comparing the

number of transmitted cells to the buffer size or capacity of the decoder buffer; also

determine if detect if the decoder buffer is underflow or overflow).

5.   As to claim 3, Gringeri teaches a method as recited in claim 1, wherein the image

information is encoded for every frame of the image information (col 9, lines 43-52; col

10, lines 8-13; Gringeri discloses that a method of decoding the transmitted video

sequences based on the compression standard or protocol at the source).

6.   As to claim 4, Gringeri teaches an apparatus, comprising:

a unit configured to acquire a number indicative of how many picture frames are

guaranteed in a predetermined time period, the number being determined according to

at least one of a transmission source and a transmission destination of image

information (col 8, lines 52-60; col 16, lines 6-14; Gringeri discloses that an apparatus of

determine the rate to guarantee the arrival of the data for video stream while

transmitting for the predetermined period),

to count a number indicative of how many picture frames of the image

information are transmitted to the transmission destination from the transmission source

in the predetermined time period (col 15, lines 33-49; Gringeri discloses that an

apparatus of to determine and simulate the number of video frames that would be

transmit base on the calculated transmission rate),

to cull the image information transmitted from the transmission source according

to the number of the guaranteed picture frames and the number of the transmitted

picture frames, and to transmit the culled image information to the transmission

destination (col 17, lines 8-25; Gringeri discloses that an apparatus of determined the

rate for the next frame based on the rate for the next frame in the look ahead frame

period).

7.   As to claim 5, Gringeri teaches an apparatus as recited in claim 4, wherein said

unit transmits the culled image information if the number of the transmitted picture

frames is larger than the number of the guaranteed picture frames, and transmits the

image information without culling if the number of the transmitted picture frames is not

larger than the number of the guaranteed picture frames (col 22, lines 53 – col 23, lines

7; col 22, lines 30-38; Gringeri discloses that an apparatus of comparing the number of

transmitted cells to the buffer size or capacity of the decoder buffer; also determine if

detect if the decoder buffer is underflow or overflow).

8.   As to claim 6, Gringeri teaches an apparatus as recited in claim 4, wherein the

image information is encoded for every frame of the image information (col 9, lines 43-

52; col 10, lines 8-13; Gringeri discloses that an apparatus of decoding the transmitted

video sequences based on the compression standard or protocol at the source).

9.   As to claim 7, Gringeri teaches an apparatus comprising:

        a first unit which receives image information from a first network (col 11, lines 55-

61; Gringeri discloses that an apparatus of determine the traffic control parameter for

the transmission);

        a second unit which transmits the image information to a second network (col 9,

lines 8-10; Gringeri discloses that an apparatus of transmission during the analysis

phase);

        a third unit which stores a number indicative of how many picture frames are

guaranteed in a predetermined time period, the number being determined according to

at least one of a transmission source and a transmission destination of image

information (col 8, lines 52-60; Gringeri discloses that an apparatus of determined the

rate that is required to guarantee arrival of the date for the predetermine rate);

a fourth unit which stores a number indicative of how many picture frames of the

image information are transmitted to the transmission destination from the transmission

source in the predetermined time period (col 21, lines 59-66; Gringeri discloses that an

apparatus of determined the traffic control parameters based on the availability of

tokens); and

a fifth unit which counts the number of the transmitted picture frames of the

image information transmitted from the transmission source to the transmission

destination to store the number of the transmitted picture frames in the fourth unit, and

culling the image information transmitted from the first network according to the number

of the guaranteed picture frames and the number of the transmitted picture frames to

transmit the culled image information to the second network (col 10, lines 59 – col 11,

lines 3; col 14, lines 32-47; Gringeri discloses that an apparatus of determined the MBS

number of cells or frames which must be buffered in the network for the stream's rate

and the outcomes when the rate is less than the guarantee picture frames).

10.   As to claim 8, Gringeri teaches an apparatus as recited in claim 7, wherein the

image information is encoded for every frame of the image information (col 9, lines 43-

52; col 10, lines 8-13; Gringeri discloses that an apparatus of decoding the transmitted

video sequences based on the compression standard or protocol at the source).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong T. Nguyen whose telephone number is 571-272-3864. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thuong T Nguyen
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SALEH NAJJAR
SUPERVISORY PATENT EXAMINER